NOTIFICATION.

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No. L.D. 809—Legis. 4-50-23, dated Bangalore, 23rd June 1950.

Ordered that the accompanying Administration of Evacuee Property Supplementary (Central) Rules, 1949 published in the *Gazette of India*, dated the 14th January 1950, be republished in the *Mysore Gazette*, for general information.

By Order of His Highness the Maharaja,

B. S. PUTTASWAMY,
Legal Remembrancer and
Secretary to Government,
Law Department.

GOVERNMENT OF INDIA.

MINISTRY OF REHABILITATION.

NOFIFICATION.

New Delhi, the 30th December 1949.

No. 14(102)Cus.—49-A.—In exercise of the powers conferred by Section 53 of the Administration of Evacuee Property Ordinance, 1949, (Ordinance No. XXVII of 1949) the Central Government is pleased to make the following supplementary Rules, namely :—

1. *Short Title.*—These Rules may be called the Administration of Evacuee Property Supplementary (Central)Rules, 1949.

2. *Definition.*—In these Rules :—

(a) "Form" means a form appended to these rules.

(b) All other terms and expressions used herein but not defined shall have the meaning respectively assigned to them in the Ordinance.

3. *Deposit of evacuee moneys.*—All moneys received by the Custodian in respect of evacuee property shall be deposited into the Treasury for credit to the banking deposit account to be opened in accordance with the rules applicable to "Personal Deposits".

4. *Mode of keeping accounts and registers.*—The accounts of transactions relating to the evacuees' Property shall be maintained in the forms and in the manner as hereinafter specified.

(a) Index Register, giving reference to the pages of registers in which the transactions are recorded, shall be kept in *Form No. 15*, in which the names of the evacuees shall be entered in alphabetical order.

(b) Realisations made or expenditure incurred in respect of evacuees' property shall be noted in the relevant registers maintained in the forms referred to below and

such entries shall be attested by the persons making them as well as by the examiners checking them :—

(1) Register of immovable property, Form No. 16.

(2) Register of movable property, Form No. 17.

(3) Register of debts or claims due to evacuees, Form No. 18.

(c) After rent, license fee lease money has been fixed, the record of immovable and other property leased out shall be kept in columns 1 to 9 of the Rent Demand and Collection Register in Form No. 19. The assessment and realisation for the month shall be noted in the monthly cage concerned and the balance worked out, the amount, if any, written off being noted in column No. 22.

(d) The recovery of the amounts other than those which are recorded in the Rent Demand and Collection Register shall be watched through the Miscellaneous Demand and Collection Register in Form No. 20.

(e) The Rent Demand and Collection Register as well as the Miscellaneous Demand and Collection Register shall be balanced every month and closed at the end of each year and the outstanding balance struck and carried forward to the registers of the succeeding year. A certificate to the effect that all recoverable demands for the year have been noted in the Registers and that the balances have been correctly carried forward to the succeeding year's registers shall be noted at the end of the Register.

(f) A statement showing demands to the end of the previous month, recoveries made during the current month and the outstanding balances shall be submitted to the Ministry of Rehabilitation *through the Custodian General* not later than the 15th of the next succeeding month explaining the causes of arrears and steps taken to clear them.

(g) When the Property is sold or leased by public auction the bids should be recorded in the sale register (Form No. 2), the signature or the thumb impression of the last bidder being obtained in column 11 of the Form.

NOTE.—The intermediate bids in respect of property liable to fetch not more than Rs. 100 need not be recorded in the register.

(h) A Cash Book in Form No. 22 shall be maintained, the amounts received or payments made on behalf of the Custodian shall be entered in the Cash Book on the date they are received or paid. The rent or auction-money realised by the persons authorised by the Custodian shall be paid to the Cashier in the office of the Custodian not later than the next working day with a challan or statement showing the details of realisation made. The cash in hand of the Cashier shall be counted at the close of each day by the officer authorised by the Custodian and at the end of each month by the Custodian. Except for special reasons to be recorded the cash in hand shall be deposited into the treasury on the same day or on the next working day.

The balance in the treasury column of the Cash Book at the end of each month shall be reconciled with the balance shown in the advice list or Pass Book by the Treasury.

NOTE.—If a cheque has lapsed it shall be cancelled and the amount taken as receipt in the Cash Book and credited to a deposit account in the ledger (Form No. 23). If the payee subsequently turns up and applies for renewal, the cheque, if in his possession, shall be obtained and destroyed and a fresh cheque issued against Deposit Account. A note of repayment shall be made in red ink against the relevant entry in the Cash Book and the Deposit Account in the ledger Deposits remaining unclaimed for complete twelve months shall be drawn on a contingent bill in Form No. 24 and credited into the Treasury under Head XLVI Miscellaneous and the words "Lapsed and credited to the Government on (specify date)" should be noted against the deposit concerned. Subsequent repayment shall be governed by Rule 637 *et seq.* of the compilation of Treasury Rules, Vol. 1.

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(i) Separate account for each evacuee shall be kept in a ledger in Form No. 23. Sufficient pages will be set apart for each evacuee. At the end of each month, the closing balances of movable and immovable property account shall be transferred to the Personal Account.

(j) The Ledger shall be balanced monthly and the balances extracted in Form No. 25. The total of the balances in the ledger as worked out in the Register should agree with the cash in hand *plus* the amount shown in the treasury column of the Cash Book. If there is any difference it shall be investigated and adjusted immediately.

NOTE.—A certificate that the balances in the ledger agree with the cash in hand plus the amount shown in the treasury column of the Cash Book shall be submitted by the 10th of the next following month to the Ministry of Rehabilitation through the Custodian General.

5. *Payment by Custodian.*—(1) No payment shall be made except after the payee has presented his claim and the Custodian or an officer duly authorised by him in this behalf, after checking the same, has passed order of payment thereon.

(2) All payments shall ordinarily be made by cheque signed by the Custodian or any person authorised by him in writing in this behalf, provided that if the amount involved does not exceed Rs. 50 the payment may be made in cash.

NOTE I.—Cheque Books shall remain in the custody of the Custodians or any other officer who may be authorised by him in writing.

NOTE II.—No cheque shall be drawn unless it is required for immediate delivery to the person to whom money is to be paid.

NOTE III.—The bills shall be numbered serially for each month and shall after payment be stamped as under:—

Paid, vide cheque No. _____ Dated _____

in cash

(Sd.) Accountant

Cashier.

NOTE IV.—The bills shall, after payment, be filed and kept on record for audit.

6. *Audit.*—(1) The accounts maintained by the Custodian shall be audited as far as possible quarterly under the orders of the Deputy Accountant General. Food and Rehabilitation, by a staff of the perpitatic Auditors. The Custodian shall place at the disposal of the auditors all accounts, registers, documents and shall furnish all information which may be required by the auditors.

(2) The result of the audit will be communicated through the Inspection Report promptly. Copies of the annotated audit notes shall also be furnished to the Ministry of Finance (Rehabilitation) *through the Custodian General.*

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FORM No. 15

[*See* RULE 4(a)].

Index Register

1.	Serial No.	
2.	Name and father's name of evacuee with address before evacuation.	
3.	Firm's name, if any.	
4.	(a) Register of movable property.	Reference to page of
4.	(b) Register of immovable property.	
4.	(c) Register of debts or claim due to evacuee.	
4.	(d) Ledger.	
5.	Dates on which property restored or disposed of.	
6.	Remarks.	

FORM No. 16.

[*See* Rule 4 (b)]

Register of Immovable Property

1. Ward No.
2. Name of street/lane.
3. Municipal No. of House/business premises/factory.
4. Name of owner with parentage and address.
5. Name of occupant with parentage.
6. Date of occupation.
7. Assessed Rent/License Fee.
8. House Tax/water charges, if recoverable.

Receipts											Payments								Net amount carried over to per ledger account	Remarks
Serial No.	No. and date of the challan	No. and date of receipt	Period to which payment relates	Nature of realisation: Rent/License fee	Nature of realisation: House Tax	Nature of realisation: Water Tax	Nature of realisation: Miscellaneous receipts	Total	Progressive Total	Initials	Remarks	Date of payment	No. of voucher and date	Nature of Expenditure: House Tax	Nature of Expenditure: Water Tax	Nature of Expenditure: Repairs	Nature of Expenditure: Miscellaneous	Nature of Expenditure: Custodian's Charge	Total	Progressive Total	Initials		

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FORM 17

[*See* Rule 4 (b)]

Register of Movable Property of .....

Address

Serial No.	
Description of Property	
No. of articles	
Reference to Serial No. in the Sales List	Sale proceeds received.
No. and date of chellan	
Date	
Amount	
Initials	
Remarks	
No. and date of voucher	Expenditure incurred.
Particulars of payment	
To whom paid	
Amount	
Custodian's fee amount	
Total	
Initials	
Amount	Net amount carried over to Ledger.
Ledger Folio	
Remarks	

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FORM No. 18

[*See Rule* 4(*b*)]

Register of Debts or Claims due to.....*Evacuee*

Reference to Serial No. of Index Register

1. Serial No.		
2. Debtor's name with address		
3. Nature of claim		
4. Amount of debt or claim		
5. Reference to order determining the debts or claim		
6. Amount of debt or claim	Secured	(a) Principal
		(b) Interest
	Unsecured	(c) Principal
		(d) Interest
7. Amount received	(a) Date of auction	
	(b) No. and date of receipt	
	Amount	
8. Expenditure incurred	(a) Voucher No. and date	
	(b) Amount	
9. Net amount carried over to ledger.	(a) Amount	
	(b) Ledger folio	
10. If restored to the evacuee, date and reference to order of restoration		
11. Remarks		

FORM No. 19

[*See* Rule 4(c)]

Rent Demand and Collection Register

Ward No.

Name of Mohalla

Serial No.	House or shop No.	Name, parentage and address of owner	Name and other particulars of tenants	Particulars of property	Date of occupation	Authority	Monthly rent	Arrears up to 31st March 19	April				May				June				July				August			
1	2	3	4	5	6	7	8	9	10				11				12				13				14			
									a Amount assessed	b No. and date of receipt	c Amount realised	d Balance	a Amount assessed	b No. and date of receipt	c Amount realised	d Balance	a Amount assessed	b No. and date of receipt	c Amount realised	d Balance	a Amount assessed	b No. and date of receipt	c Amount realised	d Balance	a Amount assessed	b No. and date of receipt	c Amount realised	d Balance

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NOTIFICATION.

No. L.D. 918—Legis. 5-50-11, dated Bangalore, 26th June—1st July 1950.

Ordered that the accompanying Adaptation of Laws (Amendment) Order, 1950 (C.O. 17), published in the *Gazette of India*, dated the 5th June 1950, be republished in the *Mysore Gazette*, for general information.

By Order of

His Highness the Maharaja,

B. S. PUTTASWAMY,

Legal Remembrancer and Secretary to Government, Law Department.

GOVERNMENT OF INDIA

MINISTRY OF LAW

NOTIFICATION

New Delhi, the 5th June, 1950.

S.R.O. 115.—The following Order made by the President is published for general information :—

C.O. 17

ADAPTATION OF LAWS (AMENDMENT) ORDER, 1950.

WHEREAS by clause (2) of article 372 of the Constitution of India (hereinafter referred to as "the Constitution") the President is empowered by Order to make such adaptations and modifications of any law in force in the territory of India, whether by way of repeal or amendment, as may be necessary or expedient for the purpose of bringing the provisions of such law into accord with the provisions of the Constitution, and to provide that the law shall, as from such date as may be specified in the Order, have effect subject to the adaptations and modifications so made;

NOW, THEREFORE, in exercise of the powers conferred by the said article and of all other powers enabling him in that behalf, the President is pleased to make the following Order, namely :—

1. (*1*) This Order may be called the Adaptation of Laws (Amendment) Order, 1950.

(*2*) It shall be deemed to have come into force on the 26th day of January, 1950.

2. In sub-paragraph (*1*) of paragraph 2 of the Adaptation of Laws Order, 1950 (hereinafter referred to as "the Principal Order"),—

(*a*) after sub-clause (*i*) of clause (*b*) the following sub-clauses shall be inserted, namely :—

"(*ia*) an existing Madras law;

(*ib*) an existing Bombay law;";

(*b*) at the end of clause (*c*) the words "but does not include any existing Madras or Bombay law" shall be added;

(*c*) in clause (*e*) after the words "existing Provincial law" the words "existing Madras law, existing Bombay law" shall be inserted; and

(*d*) after clause (*e*) the following clauses shall be inserted, namely :—

"(*f*) "existing Madras law" means any Madras Act as defined in section 3 of the Madras General Clauses Act, 1891 (Madras Act I of 1891), or any Regulation made by the Governor of Madras under the Government of India Act, 1935, which, immediately before the appointed day, was a law in force in the Province of Madras or any part thereof;

(*g*) "existing Bombay law" means any Bombay Act as defined in section 3 of the Bombay General Clauses Act, 1904 (Bombay Act I of 1904), or any Ordinance or Regulation made by the Governor of Bombay under the Government of India Act, 1935, which, immediately before the appointed day, was a law in force in the Province of Bombay or any part thereof.".

3. In the heading of Part I and paragraph 3 of the Principal Order, for the words "existing Central laws" the words "existing Central, Madras and Bombay laws" shall be substituted.

4. In paragraphs 4(*1*), 4(*2*), 5, 6(*1*), 8 and 10 of the Principal Order, for the words "existing Central law" the words "existing Central, Madras or Bombay law" shall be substituted.

5. The proviso to paragraph 28 of the Principal Order shall be omitted.

6. The First, Fourth, Fifth and Sixth Schedules to the Principal Order shall be modified as directed in the First Schedule to this Order.

7. After the Sixth Schedule to the Principal Order, there shall be added the Schedules set out in the Second Schedule to this Order.

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THE FIRST SCHEDULE.

(See paragraph 6)

I. *Modifications to the First Schedule to the Principal Order.*

After the direction relating to the Opium Act, 1857 (XIII of 1857), insert—

"*The Madras Compulsory Labour Act, 1858.*

(I of 1858)

Preamble.—Omit "of the labouring classes".

Section 1.—In the first paragraph for "labourers" substitute "persons" and omit "of the labouring classes".

In the third paragraph for "the labourers as aforesaid" substitute "all able-bodied male persons" and for "the labourers of their villages" substitute "the able-bodied male persons of their villages".

Section 2.—Omit "of the labouring classes".

Section 4.—For the words "the labourers" where they occur for the first time substitute "such persons" and where they occur for the second time substitute "they"."

After the direction relating to the Acting Judges Act, 1867 (XVI of 1867), insert—

"*The Punjab Murderous Outrages Act, 1867.*

(XXIII of 1867)

Preamble and Section 2.—For 'Queen' substitute 'Government'."

After the direction relating to the Press and Registration of Books Act, 1867 (XXV of 1867), insert—

"*The Oudh Estates Act, 1869.*

(I of 1869)

Section 3.—In the third paragraph 'Province' shall stand unmodified."

In the direction relating to clauses (1) and (2) of section 3 of the Indian Divorce Act, 1869 (IV of 1869), for the words beginning with "(1) 'High Court' means" and ending with "the High Court at Calcutta" substitute—

"(1) 'High Court' means with reference to any area—

(*a*) in a Part A State, the High Court for that State;

(*b*) in Ajmer, the High Court at Allahabad;

(*c*) in Bhopal, the High Court at Nagpur;

(*d*) in Bilaspur, Delhi and Himachal Pradesh, the High Court of Punjab;

(*e*) in Coorg, the High Court at Madras;

(*f*) in Kutch, the High Court at Bombay; and

(*g*) in the Andaman and Nicobar Islands, the High Court at Calcutta;".

For the direction relating to section 78 of the Indian Evidence Act, 1872 (I of 1872), substitute—

"*Section 78.*—In clause (3) 'Her Majesty' shall stand unmodified.

In clause (6) for 'a British Consul' substitute 'an Indian Consul'.".

For the direction relating to the Central Provinces Laws Act, 1875 (XX of 1875), substitute—

"*Section 2.*—For 'Acts of the Central Legislature' substitute 'Central Acts', for 'an Act of the Central Legislature' substitute 'a Central Act' and for 'Act of the Central Legislature' substitute 'Central Act'.

Section 4.—For 'Act of the Central Legislature' substitute 'Central Act'.".

Before the direction relating to section 33 of the Northern India Ferries Act, 1878 (XVII of 1878), insert—

"*Preamble.*—For 'the United Provinces, East Punjab, the Central Provinces, Assam, Delhi and Ajmer-Merwara' substitute 'Uttar Pradesh, Punjab, the Central Provinces, Assam, Delhi and Ajmer'.".

Before the direction relating to section 4 of the Fort William Act, 1881 (XIII of 1881), insert—

"*Section 3.*—For 'The Commander-in-Chief in India' substitute 'The Commander-in-Chief, Indian Army'.".

For the direction relating to section 1 of the Madras Forest (Validation) Act, 1882 (XXI of 1882) substitute—

"*Section 1.*—For 'enactment of the Central Legislature' substitute 'Central Act passed before the commencement of this Act'.".

For the direction relating to the Land Improvement Loans Act, 1883 (XIX of 1883), substitute—

"*Section 1.*—In sub-section (2) for 'the Provinces', where it occurs for the second time, substitute 'a Part A State or a Part C State'.".

Omit the direction relating to sections 34 and 48 of the Punjab District Boards Act, 1883 (XX of 1883).

For the directions relating to the Marriages Validation Act, 1892 (II of 1892), substitute—

"Throughout the Act for 'Native Christian' substitute 'Indian Christian', for 'a Native Christian' substitute 'an Indian Christian' and for 'Native Christians' substitute 'Indian Christians'.

Preamble.—For 'the Provinces' substitute 'India'.".

In the direction relating to the substitution of section 3 of the General Clauses Act, 1897 (X of 1897),—

(1) for clause (8) substitute—

"(8) 'Central Government' shall,—

(*a*) in relation to anything done before the commencement of the Constitution, mean the Governor-General or the Governor-General in Council, as the case may be; and shall include, (i) in relation to functions entrusted under sub-section (1) of section 124 of the Government of India Act, 1935, to the Government of a Province, the Provincial Government acting within the scope of the authority given to it under that sub-section; and (ii) in relation to the administration of a Chief Commissioner's Province, the Chief Commissioner acting within the scope of the authority given to him under sub-section (3) of section 94 of the said Act; and

(*b*) in relation to anything done or to be done after the commencement of the Constitution, mean the President; and shall include, (i) in relation to functions entrusted under clause (1) of article 258 of the Constitution to the Government of a State, the State Government acting within the scope of the authority given to it under that clause; and (ii) in relation to the administration of a Part C State, the Chief Commissioner or the Lieutenant-Governor or the Government of a neighbouring State or other authority acting within the scope of the authority given to him or it under article 239 or article 243 of the Constitution, as the case may be;"; and

(2) in clause (*29*) for "order or bye-law" substitute "order, bye-law or other instrument".

In the direction relating to sub-section (1) of section 57 of the Indian Stamp Act, 1899 (II of 1899), for the words beginning with "(*a*) if it arises in a Part A State" and ending with "the High Court at Calcutta" substitute—

"(*a*) if it arises in a Part A State, to the High Court for that State;

(*b*) if it arises in Ajmer, to the High Court at Allahabad;

(*c*) if it arises in Bhopal, to the High Court at Nagpur;

(*d*) if it arises in Bilaspur, Delhi and Himachal Pradesh, to the High Court of Punjab;

(*e*) if it arises in Coorg, to the High Court at Madras;

(*f*) if it arises in Kutch, to the High Court at Bombay; and

(*g*) if it arises in the Andaman and Nicobar Islands, to the High Court at Calcutta."

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For the directions relating to sections 43 and 44 of the Code of Civil Procedure, 1908 (Act V of 1908), substitute—

"*For sections 43 and 44* substitute—

'43. Any decree passed,—

Execution of decrees passed by Civil Courts in Part B States, in places to which this Part does not extend or in foreign territory.

(*a*) by a Civil Court in a Part B State, or
(*b*) by a Civil Court in any area within a Part A State or Part C State to which the provisions relating to execution do not extend, or
(*c*) by a Court established or continued by the authority of the Central Government outside India,

may, if it cannot be executed within the jurisdiction of the Court by which it was passed, be executed in manner herein provided within the jurisdiction of any Court in the States.

Execution of decrees passed by Revenue Courts in Part B States.

44. The Government of a Part A State or Part C State may, by notification in the Official Gazette, declare that the decrees of any Revenue Courts in any Part B State or any class of such decrees may be executed in the Part A State or Part C State, as the case may be, as if they had been passed by Courts of that State.'.".

In the direction relating to sections 2 and 91 of the Indian Lunacy Act, 1912 (IV of 1912), for the heading "*Sections 2 and 91*" substitute "*Section 2*".

After the direction relating to section 3 of the Indian Lunacy Act, 1912 (IV of 1912), insert—

"*Section 91.*—For 'which is or may hereafter be constituted by His Majesty by Letters Patent or by order of the Governor-General' substitute 'for a Part A State'."

To the direction relating to section 144 of the Indian Merchant Shipping Act, 1923 (XXI of 1923), add—

"and 'His Majesty' shall stand unmodified."

After the direction relating to the Long title and Preamble of the Indian Bar Councils Act, 1926 (XXXVIII of 1926), insert—

"*Section 1.*—In sub-section (2) for 'clause (24)' substitute 'clause (25)'."

In the direction relating to clause (*h*) of sub-section (1) of section 4 of the Indian Press (Emergency Powers) Act, 1931 (XXIII of 1931), for "in clause (*h*)" substitute "in clause (*h*) and *Explanation 4*".

In the direction relating to section 2 of the Indian Medical Council Act, 1933 (XXVII of 1933), for "In clause (*f*)" substitute "In clauses (*e*) and (*f*)".

Omit the directions relating to the Press (Special Powers) Act, 1947 (XXXIX of 1947).

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After the direction relating to the Minimum Wages Act, 1948 (XI of 1948), insert—

"*The Rehabilitation Finance Administration Act, 1948.*

(XII 1948)

Section 18.—In sub-section (2) for 'the Central Legislature' substitute 'Parliament'."

After the direction relating to section 4 of the Damodar Valley Corporation Act, 1948 (XIV of 1948), insert—

"*Section 44.*—In sub-section (3) for 'the Central' substitute 'Parliament'.

Section 45.—In sub-section (5) for 'the Central' substitute 'Parliament'."

After the direction relating to section 2 of the Industrial Finance Corporation Act, 1948 (XV of 1948), insert—

"*Section 35.*—In sub-section (3) for 'the Central Legislature' substitute 'Parliament'."

After the direction relating to section 1 of the Chartered Accountants Act, 1949 (XXXVIII of 1949), insert—

"*Section 21.*—In the *Explanation* for 'Federal Court' substitute 'Supreme Court'."

II. *Modifications to the Fourth Schedule to the Principal Order.*

For the heading "Madras Regulations" substitute "Regulations of the Madras Code".

For the direction relating to the Madras Revenue Recovery (Military Proprietors) Regulation, 1817 (Madras Regulation VIII of 1817), substitute—

"*Long title.*—For 'a native officer or soldier' substitute 'an officer or soldier'."

Section 9.—In clause First, for 'a Native officer' substitute 'an officer' and for 'principal Native officer' substitute 'principal officer'.

In clause Third omit 'Native'."

III. *Modifications to the Fifth Schedule to the Principal Order.*

For the heading "Bombay Regulations" substitute "Regulations of the Bombay Code".

After the direction relating to the Preamble to Bombay Regulation XXV of 1827, insert—

"*Section 1.*—Omit 'British'."

IV. *Modifications to the Sixth Schedule to the Principal Order.*

For the heading "Bengal Regulations" substitute "Regulations of the Bengal Code".

For the direction relating to the Appendix to the Bengal State Prisoners Regulation, 1818 (Bengal Regulation III of 1818), substitute—

"*Appendix.*—For 'external affairs or relations with Acceding States' and 'external affairs and relations with Acceding States' substitute 'or foreign affairs' and for 'Governor-General' wherever it occurs substitute 'Central Government'."

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THE SECOND SCHEDULE.

(See paragraph 7)

Schedules to be added after the Sixth Schedule to the Principal Order.

SEVENTH SCHEDULE

MADRAS ACTS

(Not printed)

* * * * *

EIGHTH SCHEDULE

MADRAS REGULATIONS MADE UNDER THE GOVERNMENT OF INDIA ACT, 1935.

(Not printed)

* * * * *

NINTH SCHEDULE

BOMBAY ACTS

(Not printed)

* * * * *

TENTH SCHEDULE

BOMBAY REGULATION MADE UNDER THE GOVERNMENT OF INDIA ACT, 1935.

The Indian Post Office (Bombay Amendment) Regulation, 1942.

(Bombay Regulation I of 1942)

Section 2.—For "British India" substitute "India except Part B States".

RAJENDRA PRASAD,
President.

K. Y. BHANDARKAR, *Joint Secy.*

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